



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ashkenazi et al.

App. No. : 09/903,925

Filed : July 11, 2001

For : SECRETED AND
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POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME

Examiner : Hamud, Fozia M

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DECLARATION OF AVI ASHKENAZI, Ph.D UNDER 37 C.F.R. § 1.132

I, Avi Ashkenazi, Ph.D. declare and say as follows: -

1. I am Director and Staff Scientist at the Molecular Oncology Department of Genentech, Inc., South San Francisco, CA 94080.

2. I joined Genentech in 1988 as a postdoctoral fellow. Since then, I have investigated a variety of cellular signal transduction mechanisms, including apoptosis, and have developed technologies to modulate such mechanisms as a means of therapeutic intervention in cancer and autoimmune disease. I am currently involved in the investigation of a series of secreted proteins over-expressed in tumors, with the aim to identify useful targets for the development of therapeutic antibodies for cancer treatment.

3. My scientific Curriculum Vitae, including my list of publications, is attached to and forms part of this Declaration (Exhibit A).

4. Gene amplification is a process in which chromosomes undergo changes to contain multiple copies of certain genes that normally exist as a single copy, and is an important factor in the pathophysiology of cancer. Amplification of certain genes (e.g., Myc or Her2/Neu)

gives cancer cells a growth or survival advantage relative to normal cells, and might also provide a mechanism of tumor cell resistance to chemotherapy or radiotherapy.

5. If gene amplification results in over-expression of the mRNA and the corresponding gene product, then it identifies that gene product as a promising target for cancer therapy, for example by the therapeutic antibody approach. Even in the absence of over-expression of the gene product, amplification of a cancer marker gene - as detected, for example, by the reverse transcriptase TaqMan® PCR or the fluorescence *in situ* hybridization (FISH) assays - is useful in the diagnosis or classification of cancer, or in predicting or monitoring the efficacy of cancer therapy. An increase in gene copy number can result not only from intrachromosomal changes but also from chromosomal aneuploidy. It is important to understand that detection of gene amplification can be used for cancer diagnosis even if the determination includes measurement of chromosomal aneuploidy. Indeed, as long as a significant difference relative to normal tissue is detected, it is irrelevant if the signal originates from an increase in the number of gene copies per chromosome and/or an abnormal number of chromosomes.

6. I understand that according to the Patent Office, absent data demonstrating that the increased copy number of a gene in certain types of cancer leads to increased expression of its product, gene amplification data are insufficient to provide substantial utility or well established utility for the gene product (the encoded polypeptide), or an antibody specifically binding the encoded polypeptide. However, even when amplification of a cancer marker gene does not result in significant over-expression of the corresponding gene product, this very absence of gene product over-expression still provides significant information for cancer diagnosis and treatment. Thus, if over-expression of the gene product does not parallel gene amplification in certain tumor types but does so in others, then parallel monitoring of gene amplification and gene product over-expression enables more accurate tumor classification and hence better determination of suitable therapy. In addition, absence of over-expression is crucial information for the practicing clinician. If a gene is amplified but the corresponding gene product is not over-expressed, the clinician accordingly will decide not to treat a patient with agents that target that gene product.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

By:

Avi Ashkenazi

Avi Ashkenazi, Ph.D.

Date:

9/15/03

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CURRICULUM VITAE

Avi Ashkenazi

July 2003

Personal:

Date of birth: 29 November, 1956
Address: 1456 Tarrytown Street, San Mateo, CA 94402
Phone: (650) 578-9199 (home); (650) 225-1853 (office)
Fax: (650) 225-6443 (office)
Email: aa@gene.com

Education:

1983: B.S. in Biochemistry, with honors, Hebrew University, Israel
1986: Ph.D. in Biochemistry, Hebrew University, Israel

Employment:

1983-1986: Teaching assistant, undergraduate level course in Biochemistry
1985-1986: Teaching assistant, graduate level course on Signal Transduction
1986 - 1988: Postdoctoral fellow, Hormone Research Dept., UCSF, and
Developmental Biology Dept., Genentech, Inc., with J. Ramachandran
1988 - 1989: Postdoctoral fellow, Molecular Biology Dept., Genentech, Inc.,
with D. Capon
1989 - 1993: Scientist, Molecular Biology Dept., Genentech, Inc.
1994 -1996: Senior Scientist, Molecular Oncology Dept., Genentech, Inc.
1996-1997: Senior Scientist and Interim director, Molecular Oncology Dept.,
Genentech, Inc.
1997-1990: Senior Scientist and preclinical project team leader, Genentech, Inc.
1999 -2002: Staff Scientist in Molecular Oncology, Genentech, Inc.
2002-present: Staff Scientist and Director in Molecular Oncology, Genentech, Inc.

Awards:

1988: First prize, The Boehringer Ingelheim Award

Editorial:

Editorial Board Member: Current Biology
Associate Editor, Clinical Cancer Research.
Associate Editor, Cancer Biology and Therapy.

Refereed papers:

1. Gertler, A., Ashkenazi, A., and Madar, Z. Binding sites for human growth hormone and ovine and bovine prolactins in the mammary gland and liver of the lactating cow. *Mol. Cell. Endocrinol.* **34**, 51-57 (1984).
2. Gertler, A., Shamay, A., Cohen, N., Ashkenazi, A., Friesen, H., Levanon, A., Gorecki, M., Aviv, H., Hadari, D., and Vogel, T. Inhibition of lactogenic activities of ovine prolactin and human growth hormone (hGH) by a novel form of a modified recombinant hGH. *Endocrinology* **118**, 720-726 (1986).
3. Ashkenazi, A., Madar, Z., and Gertler, A. Partial purification and characterization of bovine mammary gland prolactin receptor. *Mol. Cell. Endocrinol.* **50**, 79-87 (1987).
4. Ashkenazi, A., Pines, M., and Gertler, A. Down-regulation of lactogenic hormone receptors in Nb2 lymphoma cells by cholera toxin. *Biochemistry Internat.* **14**, 1065-1072 (1987).
5. Ashkenazi, A., Cohen, R., and Gertler, A. Characterization of lactogen receptors in lactogenic hormone-dependent and independent Nb2 lymphoma cell lines. *FEBS Lett.* **210**, 51-55 (1987).
6. Ashkenazi, A., Vogel, T., Barash, I., Hadari, D., Levanon, A., Gorecki, M., and Gertler, A. Comparative study on in vitro and in vivo modulation of lactogenic and somatotropic receptors by native human growth hormone and its modified recombinant analog. *Endocrinology* **121**, 414-419 (1987).
7. Peralta, E., Winslow, J., Peterson, G., Smith, D., Ashkenazi, A., Ramachandran, J., Schimerlik, M., and Capon, D. Primary structure and biochemical properties of an M2 muscarinic receptor. *Science* **236**, 600-605 (1987).
8. Peralta, E. Ashkenazi, A., Winslow, J., Smith, D., Ramachandran, J., and Capon, D. J. Distinct primary structures, ligand-binding properties and tissue-specific expression of four human muscarinic acetylcholine receptors. *EMBO J.* **6**, 3923-3929 (1987).
9. Ashkenazi, A., Winslow, J., Peralta, E., Peterson, G., Schimerlik, M., Capon, D., and Ramachandran, J. An M2 muscarinic receptor subtype coupled to both adenylyl cyclase and phosphoinositide turnover. *Science* **238**, 672-675 (1987).

10. Pines, M., Ashkenazi, A., Cohen-Chapnik, N., Binder, L., and Gertler, A. Inhibition of the proliferation of Nb2 lymphoma cells by femtomolar concentrations of cholera toxin and partial reversal of the effect by 12-o-tetradecanoyl-phorbol-13-acetate. *J. Cell. Biochem.* **37**, 119-129 (1988).
11. Peralta, E. Ashkenazi, A., Winslow, J. Ramachandran, J., and Capon, D. Differential regulation of PI hydrolysis and adenylyl cyclase by muscarinic receptor subtypes. *Nature* **334**, 434-437 (1988).
12. Ashkenazi, A., Peralta, E., Winslow, J., Ramachandran, J., and Capon, D. Functionally distinct G proteins couple different receptors to PI hydrolysis in the same cell. *Cell* **56**, 487-493 (1989).
13. Ashkenazi, A., Ramachandran, J., and Capon, D. Acetylcholine analogue stimulates DNA synthesis in brain-derived cells via specific muscarinic acetylcholine receptor subtypes. *Nature* **340**, 146-150 (1989).
14. Lammare, D., Ashkenazi, A., Fleury, S., Smith, D., Sekaly, R., and Capon, D. The MHC-binding and gp120-binding domains of CD4 are distinct and separable. *Science* **245**, 743-745 (1989).
15. Ashkenazi, A., Presta, L., Marsters, S., Camerato, T., Rosenthal, K., Fendly, B., and Capon, D. Mapping the CD4 binding site for human immunodeficiency virus type 1 by alanine-scanning mutagenesis. *Proc. Natl. Acad. Sci. USA* **87**, 7150-7154 (1990).
16. Chamow, S., Peers, D., Byrn, R., Mulkerrin, M., Harris, R., Wang, W., Bjorkman, P., Capon, D., and Ashkenazi, A.. Enzymatic cleavage of a CD4 immunoadhesin generates crystallizable, biologically active Fd-like fragments. *Biochemistry* **29**, 9885-9891 (1990).
17. Ashkenazi, A., Smith, D., Marsters, S., Riddle, L., Gregory, T., Ho, D., and Capon, D. Resistance of primary isolates of human immunodeficiency virus type 1 to soluble CD4 is independent of CD4-rgp120 binding affinity. *Proc. Natl. Acad. Sci. USA* **88**, 7056-7060 (1991).
18. Ashkenazi, A., Marsters, S., Capon, D., Chamow, S., Figari, I., Pennica, D., Goeddel, D., Palladino, M., and Smith, D. Protection against endotoxic shock by a tumor necrosis factor receptor immunoadhesin. *Proc. Natl. Acad. Sci. USA* **88**, 10535-10539 (1991).
19. Moore, J., McKeating, J., Huang, Y., Ashkenazi, A., and Ho, D. Virions of primary HIV-1 isolates resistant to sCD4 neutralization differ in sCD4 affinity and glycoprotein gp120 retention from sCD4-sensitive isolates. *J. Virol.* **66**, 235-243 (1992).

20. Jin, H., Oksenberg, D., Ashkenazi, A., Peroutka, S., Duncan, A., Rozmahel, R., Yang, Y., Mengod, G., Palacios, J., and O'Dowd, B. Characterization of the human 5-hydroxytryptamine_{1B} receptor. *J. Biol. Chem.* **267**, 5735-5738 (1992).
21. Marsters, A., Frutkin, A., Simpson, N., Fendly, B. and Ashkenazi, A.. Identification of cysteine-rich domains of the type 1 tumor necrosis receptor involved in ligand binding. *J. Biol. Chem.* **267**, 5747-5750 (1992).
22. Chamow, S., Kogan, T., Peers, D., Hastings, R., Byrn, R., and Ashkenazi, A.. Conjugation of sCD4 without loss of biological activity via a novel carbohydrate-directed cross-linking reagent. *J. Biol. Chem.* **267**, 15916-15922 (1992).
23. Oksenberg, D., Marsters, A., O'Dowd, B., Jin, H., Havlik, S., Peroutka, S., and Ashkenazi, A.. A single amino-acid difference confers major pharmacologic variation between human and rodent 5-HT_{1B} receptors. *Nature* **360**, 161-163 (1992).
24. Haak-Frendscho, M., Marsters, S., Chamow, S., Peers, D., Simpson, N., and Ashkenazi, A.. Inhibition of interferon γ by an interferon γ receptor immunoadhesin. *Immunology* **79**, 594-599 (1993).
25. Penica, D., Lam, V., Weber, R., Kohr, W., Basa, L., Spellman, M., Ashkenazi, A., Shire, S., and Goeddel, D. Biochemical characterization of the extracellular domain of the 75-kd tumor necrosis factor receptor. *Biochemistry* **32**, 3131-3138. (1993).
26. Barfod, L., Zheng, Y., Kuang, W., Hart, M., Evans, T., Cerione, R., and Ashkenazi, A.. Cloning and expression of a human CDC42 GTPase Activating Protein reveals a functional SH3-binding domain. *J. Biol. Chem.* **268**, 26059-26062 (1993).
27. Chamow, S., Zhang, D., Tan, X., Mhtre, S., Marsters, S., Peers, D., Byrn, R., Ashkenazi, A., and Yunghans, R. A humanized bispecific immunoadhesin-antibody that retargets CD3+ effectors to kill HIV-1-infected cells. *J. Immunol.* **153**, 4268-4280 (1994).
28. Means, R., Krantz, S., Luna, J., Marsters, S., and Ashkenazi, A.. Inhibition of murine erythroid colony formation in vitro by iterferon γ and correction by interferon γ receptor immunoadhesin. *Blood* **83**, 911-915 (1994).
29. Haak-Frendscho, M., Marsters, S., Mordenti, J., Gillet, N., Chen, S., and Ashkenazi, A.. Inhibition of TNF by a TNF receptor immunoadhesin: comparison with an anti-TNF mAb. *J. Immunol.* **152**, 1347-1353 (1994).

30. Chamow, S., Kogan, T., Venuti, M., Gadek, T., Peers, D., Mordenti, J., Shak, S., and Ashkenazi, A. Modification of CD4 immunoadhesin with monomethoxy-PEG aldehyde via reductive alkylation. *Bioconj. Chem.* **5**, 133-140 (1994).
31. Jin, H., Yang, R., Marsters, S., Bunting, S., Wurm, F., Chamow, S., and Ashkenazi, A. Protection against rat endotoxic shock by p55 tumor necrosis factor (TNF) receptor immunoadhesin: comparison to anti-TNF monoclonal antibody. *J. Infect. Diseases* **170**, 1323-1326 (1994).
32. Beck, J., Marsters, S., Harris, R., Ashkenazi, A., and Chamow, S. Generation of soluble interleukin-1 receptor from an immunoadhesin by specific cleavage. *Mol. Immunol.* **31**, 1335-1344 (1994).
33. Pitti, B., Marsters, M., Haak-Frendscho, M., Osaka, G., Mordenti, J., Chamow, S., and Ashkenazi, A. Molecular and biological properties of an interleukin-1 receptor immunoadhesin. *Mol. Immunol.* **31**, 1345-1351 (1994).
34. Oksenberg, D., Havlik, S., Peroutka, S., and Ashkenazi, A. The third intracellular loop of the 5-HT₂ receptor specifies effector coupling. *J. Neurochem.* **64**, 1440-1447 (1995).
35. Bach, E., Szabo, S., Dighe, A., Ashkenazi, A., Aguet, M., Murphy, K., and Schreiber, R. Ligand-induced autoregulation of IFN- γ receptor β chain expression in T helper cell subsets. *Science* **270**, 1215-1218 (1995).
36. Jin, H., Yang, R., Marsters, S., Ashkenazi, A., Bunting, S., Marra, M., Scott, R., and Baker, J. Protection against endotoxic shock by bactericidal/permeability-increasing protein in rats. *J. Clin. Invest.* **95**, 1947-1952 (1995).
37. Marsters, S., Penica, D., Bach, E., Schreiber, R., and Ashkenazi, A. Interferon γ signals via a high-affinity multisubunit receptor complex that contains two types of polypeptide chain. *Proc. Natl. Acad. Sci. USA* **92**, 5401-5405 (1995).
38. Van Zee, K., Moldawer, L., Oldenburg, H., Thompson, W., Stackpole, S., Montegut, W., Rogy, M., Meschter, C., Gallati, H., Schiller, C., Richter, W., Loetcher, H., Ashkenazi, A., Chamow, S., Wurm, F., Calvano, S., Lowry, S., and Lesslauer, W. Protection against lethal *E. coli* bacteremia in baboons by pretreatment with a 55-kDa TNF receptor-Ig fusion protein, Ro45-2081. *J. Immunol.* **156**, 2221-2230 (1996).
39. Pitti, R., Marsters, S., Ruppert, S., Donahue, C., Moore, A., and Ashkenazi, A. Induction of apoptosis by Apo-2 Ligand, a new member of the tumor necrosis factor cytokine family. *J. Biol. Chem.* **271**, 12687-12690 (1996).

40. Marsters, S., Pitti, R., Donahue, C., Rupert, S., Bauer, K., and Ashkenazi, A. Activation of apoptosis by Apo-2 ligand is independent of FADD but blocked by CrmA. *Curr. Biol.* **6**, 1669-1676 (1996).
41. Marsters, S., Skubatch, M., Gray, C., and Ashkenazi, A. Herpesvirus entry mediator, a novel member of the tumor necrosis factor receptor family, activates the NF- κ B and AP-1 transcription factors. *J. Biol. Chem.* **272**, 14029-14032 (1997).
42. Sheridan, J., Marsters, S., Pitti, R., Gurney, A., Skubatch, M., Baldwin, D., Ramakrishnan, L., Gray, C., Baker, K., Wood, W.I., Goddard, A., Godowski, P., and Ashkenazi, A. Control of TRAIL-induced apoptosis by a family of signaling and decoy receptors. *Science* **277**, 818-821 (1997).
43. Marsters, S., Sheridan, J., Pitti, R., Gurney, A., Skubatch, M., Balswin, D., Huang, A., Yuan, J., Goddard, A., Godowski, P., and Ashkenazi, A. A novel receptor for Apo2L/TRAIL contains a truncated death domain. *Curr. Biol.* **7**, 1003-1006 (1997).
44. Marsters, A., Sheridan, J., Pitti, R., Brush, J., Goddard, A., and Ashkenazi, A. Identification of a ligand for the death-domain-containing receptor Apo3. *Curr. Biol.* **8**, 525-528 (1998).
45. Rieger, J., Naumann, U., Glaser, T., Ashkenazi, A., and Weller, M. Apo2 ligand: a novel weapon against malignant glioma? *FEBS Lett.* **427**, 124-128 (1998).
46. Pender, S., Fell, J., Chamow, S., Ashkenazi, A., and MacDonald, T. A p55 TNF receptor immunoadhesin prevents T cell mediated intestinal injury by inhibiting matrix metalloproteinase production. *J. Immunol.* **160**, 4098-4103 (1998).
47. Pitti, R., Marsters, S., Lawrence, D., Roy, Kischkel, F., M., Dowd, P., Huang, A., Donahue, C., Sherwood, S., Baldwin, D., Godowski, P., Wood, W., Gurney, A., Hillan, K., Cohen, R., Goddard, A., Botstein, D., and Ashkenazi, A. Genomic amplification of a decoy receptor for Fas ligand in lung and colon cancer. *Nature* **396**, 699-703 (1998).
48. Mori, S., Marakami-Mori, K., Nakamura, S., Ashkenazi, A., and Bonavida, B. Sensitization of AIDS Kaposi's sarcoma cells to Apo-2 ligand-induced apoptosis by actinomycin D. *J. Immunol.* **162**, 5616-5623 (1999).
49. Gurney, A. Marsters, S., Huang, A., Pitti, R., Mark, M., Baldwin, D., Gray, A., Dowd, P., Brush, J., Heldens, S., Schow, P., Goddard, A., Wood, W., Baker, K., Godowski, P., and Ashkenazi, A. Identification of a new member of the tumor necrosis factor family and its receptor, a human ortholog of mouse GITR. *Curr. Biol.* **9**, 215-218 (1999).

50. Ashkenazi, A., Pai, R., Fong, S., Leung, S., Lawrence, D., Marsters, S., Blackie, C., Chang, L., McMurtrey, A., Hebert, A., DeForge, L., Khoumenis, I., Lewis, D., Harris, L., Bussiere, J., Koeppen, H., Shahrokh, Z., and Schwall, R. Safety and anti-tumor activity of recombinant soluble Apo2 ligand. *J. Clin. Invest.* **104**, 155-162 (1999).
51. Chuntharapai, A., Gibbs, V., Lu, J., Ow, A., Marsters, S., Ashkenazi, A., De Vos, A., Kim, K.J. Determination of residues involved in ligand binding and signal transmission in the human IFN- α receptor 2. *J. Immunol.* **163**, 766-773 (1999).
52. Johnsen, A.-C., Haux, J., Steinkjer, B., Nonstad, U., Egeberg, K., Sundan, A., Ashkenazi, A., and Espevik, T. Regulation of Apo2L/TRAIL expression in NK cells – involvement in NK cell-mediated cytotoxicity. *Cytokine* **11**, 664-672 (1999).
53. Roth, W., Isenmann, S., Naumann, U., Kugler, S., Bahr, M., Dichgans, J., Ashkenazi, A., and Weller, M. Eradication of intracranial human malignant glioma xenografts by Apo2L/TRAIL. *Biochem. Biophys. Res. Commun.* **265**, 479-483 (1999).
54. Hymowitz, S.G., Christinger, H.W., Fuh, G., Ultsch, M., O'Connell, M., Kelley, R.F., Ashkenazi, A. and de Vos, A.M. Triggering Cell Death: The Crystal Structure of Apo2L/TRAIL in a Complex with Death Receptor 5. *Molec. Cell* **4**, 563-571 (1999).
55. Hymowitz, S.G., O'Connell, M.P., Utsch, M.H., Hurst, A., Totpal, K., Ashkenazi, A., de Vos, A.M., Kelley, R.F. A unique zinc-binding site revealed by a high-resolution X-ray structure of homotrimeric Apo2L/TRAIL. *Biochemistry* **39**, 633-640 (2000).
56. Zhou, Q., Fukushima, P., DeGraff, W., Mitchell, J.B., Stetler-Stevenson, M., Ashkenazi, A., and Steeg, P.S. Radiation and the Apo2L/TRAIL apoptotic pathway preferentially inhibit the colonization of premalignant human breast cancer cells overexpressing cyclin D1. *Cancer Res.* **60**, 2611-2615 (2000).
57. Kischkel, F.C., Lawrence, D.A., Chuntharapai, A., Schow, P., Kim, J., and Ashkenazi, A. Apo2L/TRAIL-dependent recruitment of endogenous FADD and Caspase-8 to death receptors 4 and 5. *Immunity* **12**, 611-620 (2000).
58. Yan, M., Marsters, S.A., Grewal, I.S., Wang, H., *Ashkenazi, A., and *Dixit, V.M. Identification of a receptor for BlyS demonstrates a crucial role in humoral immunity. *Nature Immunol.* **1**, 37-41 (2000).

59. Marsters, S.A., Yan, M., Pitti, R.M., Haas, P.E., Dixit, V.M., and Ashkenazi, A. Interaction of the TNF homologues BLyS and APRIL with the TNF receptor homologues BCMA and TACI. *Curr. Biol.* 10, 785-788 (2000).
60. Kischkel, F.C., and Ashkenazi, A. Combining enhanced metabolic labeling with immunoblotting to detect interactions of endogenous cellular proteins. *Biotechniques* 29, 506-512 (2000).
61. Lawrence, D., Shahrokh, Z., Marsters, S., Achilles, K., Shih, D., Mounho, B., Hillan, K., Totpal, K., DeForge, L., Schow, P., Hooley, J., Sherwood, S., Pai, R., Leung, S., Khan, L., Gliniak, B., Bussiere, J., Smith, C., Strom, S., Kelley, S., Fox, J., Thomas, D., and Ashkenazi, A. Differential hepatocyte toxicity of recombinant Apo2L/TRAIL versions. *Nature Med.* 7, 383-385 (2001).
62. Chuntharapai, A., Dodge, K., Grimmer, K., Schroeder, K., Martsters, S.A., Koeppen, H., Ashkenazi, A., and Kim, K.J. Isotype-dependent inhibition of tumor growth in vivo by monoclonal antibodies to death receptor 4. *J. Immunol.* 166, 4891-4898 (2001).
63. Pollack, I.F., Erff, M., and Ashkenazi, A. Direct stimulation of apoptotic signaling by soluble Apo2L/tumor necrosis factor-related apoptosis-inducing ligand leads to selective killing of glioma cells. *Clin. Cancer Res.* 7, 1362-1369 (2001).
64. Wang, H., Marsters, S.A., Baker, T., Chan, B., Lee, W.P., Fu, L., Tumas, D., Yan, M., Dixit, V.M., *Ashkenazi, A., and *Grewal, I.S. TACI-ligand interactions are required for T cell activation and collagen-induced arthritis in mice. *Nature Immunol.* 2, 632-637 (2001).
65. Kischkel, F.C., Lawrence, D. A., Tinel, A., Virmani, A., Schow, P., Gazdar, A., Blenis, J., Arnott, D., and Ashkenazi, A. Death receptor recruitment of endogenous caspase-10 and apoptosis initiation in the absence of caspase-8. *J. Biol. Chem.* 276, 46639-46646 (2001).
66. LeBlanc, H., Lawrence, D.A., Varfolomeev, E., Totpal, K., Morlan, J., Schow, P., Fong, S., Schwall, R., Sinicropi, D., and Ashkenazi, A. Tumor cell resistance to death receptor induced apoptosis through mutational inactivation of the proapoptotic Bcl-2 homolog Bax. *Nature Med.* 8, 274-281 (2002).
67. Miller, K., Meng, G., Liu, J., Hurst, A., Hsei, V., Wong, W-L., Ekert, R., Lawrence, D., Sherwood, S., DeForge, L., Gaudreault., Keller, G., Sliwkowski, M., Ashkenazi, A., and Presta, L. Design, Construction, and analyses of multivalent antibodies. *J. Immunol.* 170, 4854-4861 (2003).

68. Varfolomeev, E., Kischkel, F., Martin, F., Wanh, H., Lawrence, D., Olsson, C., Tom, L., Erickson, S., French, D., Schow, P., Grewal, I. and Ashkenazi, A.. Immune system development in APRIL knockout mice. Submitted.

Review articles:

1. Ashkenazi, A., Peralta, E., Winslow, J., Ramachandran, J., and Capon, D., J. Functional role of muscarinic acetylcholine receptor subtype diversity. *Cold Spring Harbor Symposium on Quantitative Biology*. LIII, 263-272 (1988).
2. Ashkenazi, A., Peralta, E., Winslow, J., Ramachandran, J., and Capon, D. Functional diversity of muscarinic receptor subtypes in cellular signal transduction and growth. *Trends Pharmacol. Sci.* Dec Supplement, 12-21 (1989).
3. Chamow, S., Duliege, A., Ammann, A., Kahn, J., Allen, D., Eichberg, J., Byrn, R., Capon, D., Ward, R., and Ashkenazi, A.. CD4 immunoadhesins in anti-HIV therapy: new developments. *Int. J. Cancer* Supplement 7, 69-72 (1992).
4. Ashkenazi, A., Capon, and D. Ward, R. Immunoadhesins. *Int. Rev. Immunol.* 10, 217-225 (1993).
5. Ashkenazi, A., and Peralta, E. Muscarinic Receptors. In *Handbook of Receptors and Channels*. (S. Peroutka, ed.), CRC Press, Boca Raton, Vol. I, p. 1-27, (1994).
6. Krantz, S. B., Means, R. T., Jr., Lina, J., Marsters, S. A., and Ashkenazi, A.. Inhibition of erythroid colony formation in vitro by gamma interferon. In *Molecular Biology of Hematopoiesis* (N. Abraham, R. Shadduck, A. Levine F. Takaku, eds.) Intercept Ltd. Paris, Vol. 3, p. 135-147 (1994).
7. Ashkenazi, A.. Cytokine neutralization as a potential therapeutic approach for SIRS and shock. *J. Biotechnology in Healthcare* 1, 197-206 (1994).
8. Ashkenazi, A., and Chamow, S. M. Immunoadhesins: an alternative to human monoclonal antibodies. *Immunomethods: A companion to Methods in Enzymology* 8, 104-115 (1995).
9. Chamow, S., and Ashkenazi, A.. Immunoadhesins: Principles and Applications. *Trends Biotech.* 14, 52-60 (1996).
10. Ashkenazi, A., and Chamow, S. M. Immunoadhesins as research tools and therapeutic agents. *Curr. Opin. Immunol.* 9, 195-200 (1997).
11. Ashkenazi, A., and Dixit, V. Death receptors: signaling and modulation. *Science* 281, 1305-1308 (1998).
12. Ashkenazi, A., and Dixit, V. Apoptosis control by death and decoy receptors. *Curr. Opin. Cell. Biol.* 11, 255-260 (1999).

13. Ashkenazi, A. Chapters on Apo2L/TRAIL; DR4, DR5, DcR1, DcR2; and DcR3. Online Cytokine Handbook (www.apnet.com/cytokinereference/).
14. Ashkenazi, A. Targeting death and decoy receptors of the tumor necrosis factor superfamily. *Nature Rev. Cancer* 2, 420-430 (2002).
15. LeBlanc, H. and Ashkenazi, A. Apoptosis signaling by Apo2L/TRAIL. *Cell Death and Differentiation* 10, 66-75 (2003).
16. Almasan, A. and Ashkenazi, A. Apo2L/TRAIL: apoptosis signaling, biology, and potential for cancer therapy. *Cytokine and Growth Factor Reviews* 14, 337-348 (2003).

Book:

Antibody Fusion Proteins (Chamow, S., and Ashkenazi, A., eds., John Wiley and Sons Inc.) (1999).

Talks:

1. Resistance of primary HIV isolates to CD4 is independent of CD4-gp120 binding affinity. UCSD Symposium, HIV Disease: Pathogenesis and Therapy. Greenelefe, FL, March 1991.
2. Use of immuno-hybrids to extend the half-life of receptors. IBC conference on Biopharmaceutical Halflife Extension. New Orleans, LA, June 1992.
3. Results with TNF receptor Immunoadhesins for the Treatment of Sepsis. IBC conference on Endotoxemia and Sepsis. Philadelphia, PA, June 1992.
4. Immunoadhesins: an alternative to human antibodies. IBC conference on Antibody Engineering. San Diego, CA, December 1993.
5. Tumor necrosis factor receptor: a potential therapeutic for human septic shock. American Society for Microbiology Meeting, Atlanta, GA, May 1993.
6. Protective efficacy of TNF receptor immunoadhesin vs anti-TNF monoclonal antibody in a rat model for endotoxic shock. 5th International Congress on TNF. Asilomar, CA, May 1994.
7. Interferon- γ signals via a multisubunit receptor complex that contains two types of polypeptide chain. American Association of Immunologists Conference. San Francisco, CA, July 1995.
8. Immunoadhesins: Principles and Applications. Gordon Research Conference on Drug Delivery in Biology and Medicine. Ventura, CA, February 1996.

9. Apo-2 Ligand, a new member of the TNF family that induces apoptosis in tumor cells. Cambridge Symposium on TNF and Related Cytokines in Treatment of Cancer. Hilton-Head, NC, March 1996.
10. Induction of apoptosis by Apo2 Ligand. American Society for Biochemistry and Molecular Biology, Symposium on Growth Factors and Cytokine Receptors. New Orleans, LA, June, 1996.
11. Apo2 ligand, an extracellular trigger of apoptosis. 2nd Clontech Symposium, Palo Alto, CA, October 1996.
12. Regulation of apoptosis by members of the TNF ligand and receptor families. Stanford University School of Medicine, Palo Alto, CA, December 1996.
13. Apo-3: a novel receptor that regulates cell death and inflammation. 4th International Congress on Immune Consequences of Trauma, Shock, and Sepsis. Munich, Germany, March 1997.
14. New members of the TNF ligand and receptor families that regulate apoptosis, inflammation, and immunity. UCLA School of Medicine, LA, CA, March 1997.
15. Immunoadhesins: an alternative to monoclonal antibodies. 5th World Conference on Bispecific Antibodies. Volendam, Holland, June 1997.
16. Control of Apo2L signaling. Cold Spring Harbor Laboratory Symposium on Programmed Cell Death. Cold Spring Harbor, New York. September, 1997.
17. Chairman and speaker, Apoptosis Signaling session. IBC's 4th Annual Conference on Apoptosis. San Diego, CA., October 1997.
18. Control of Apo2L signaling by death and decoy receptors. American Association for the Advancement of Science. Philadelphia, PA, February 1998.
19. Apo2 ligand and its receptors. American Society of Immunologists. San Francisco, CA, April 1998.
20. Death receptors and ligands. 7th International TNF Congress. Cape Cod, MA, May 1998.
21. Apo2L as a potential therapeutic for cancer. UCLA School of Medicine. LA, CA, June 1998.
22. Apo2L as a potential therapeutic for cancer. Gordon Research Conference on Cancer Chemotherapy. New London, NH, July 1998.
23. Control of apoptosis by Apo2L. Endocrine Society Conference, Stevenson, WA, August 1998.
24. Control of apoptosis by Apo2L. International Cytokine Society Conference, Jerusalem, Israel, October 1998.

25. Apoptosis control by death and decoy receptors. American Association for Cancer Research Conference, Whistler, BC, Canada, March 1999.
26. Apoptosis control by death and decoy receptors. American Society for Biochemistry and Molecular Biology Conference, San Francisco, CA, May 1999.
27. Apoptosis control by death and decoy receptors. Gordon Research Conference on Apoptosis, New London, NH, June 1999.
28. Apoptosis control by death and decoy receptors. Arthritis Foundation Research Conference, Alexandria GA, Aug 1999.
29. Safety and anti-tumor activity of recombinant soluble Apo2L/TRAIL. Cold Spring Harbor Laboratory Symposium on Programmed Cell Death. . Cold Spring Harbor, NY, September 1999.
30. The Apo2L/TRAIL system: therapeutic potential. American Association for Cancer Research, Lake Tahoe, NV, Feb 2000.
31. Apoptosis and cancer therapy. Stanford University School of Medicine, Stanford, CA, Mar 2000.
32. Apoptosis and cancer therapy. University of Pennsylvania School of Medicine, Philadelphia, PA, Apr 2000.
33. Apoptosis signaling by Apo2L/TRAIL. International Congress on TNF. Trondheim, Norway, May 2000.
34. The Apo2L/TRAIL system: therapeutic potential. Cap-CURE summit meeting. Santa Monica, CA, June 2000.
35. The Apo2L/TRAIL system: therapeutic potential. MD Anderson Cancer Center. Houston, TX, June 2000.
36. Apoptosis signaling by Apo2L/TRAIL. The Protein Society, 14th Symposium. San Diego, CA, August 2000.
37. Anti-tumor activity of Apo2L/TRAIL. AAPS annual meeting. Indianapolis, IN Aug 2000.
38. Apoptosis signaling and anti-cancer potential of Apo2L/TRAIL. Cancer Research Institute, UC San Francisco, CA, September 2000.
39. Apoptosis signaling by Apo2L/TRAIL. Kenote address, TNF family Minisymposium, NIH. Bethesda, MD, September 2000.
40. Death receptors: signaling and modulation. Keystone symposium on the Molecular basis of cancer. Taos, NM, Jan 2001.
41. Preclinical studies of Apo2L/TRAIL in cancer. Symposium on Targeted therapies in the treatment of lung cancer. Aspen, CO, Jan 2001.

42. Apoptosis signaling by Apo2L/TRAIL. Weizmann Institute of Science, Rehovot, Israel, March 2001.
43. Apo2L/TRAIL: Apoptosis signaling and potential for cancer therapy. Weizmann Institute of Science, Rehovot, Israel, March 2001.
44. Targeting death receptors in cancer with Apo2L/TRAIL. Cell Death and Disease conference, North Falmouth, MA, Jun 2001.
45. Targeting death receptors in cancer with Apo2L/TRAIL. Biotechnology Organization conference, San Diego, CA, Jun 2001.
46. Apo2L/TRAIL signaling and apoptosis resistance mechanisms. Gordon Research Conference on Apoptosis, Oxford, UK, July 2001.
47. Apo2L/TRAIL signaling and apoptosis resistance mechanisms. Cleveland Clinic Foundation, Cleveland, OH, Oct 2001.
48. Apoptosis signaling by death receptors: overview. International Society for Interferon and Cytokine Research conference, Cleveland, OH, Oct 2001.
49. Apoptosis signaling by death receptors. American Society of Nephrology Conference. San Francisco, CA, Oct 2001.
50. Targeting death receptors in cancer. Apoptosis: commercial opportunities. San Diego, CA, Apr 2002.
51. Apo2L/TRAIL signaling and apoptosis resistance mechanisms. Kimmel Cancer Research Center, Johns Hopkins University, Baltimore MD. May 2002.
52. Apoptosis control by Apo2L/TRAIL. (Keynote Address) University of Alabama Cancer Center Retreat, Birmingham, Ab. October 2002.
53. Apoptosis signaling by Apo2L/TRAIL. (Session co-chair) TNF international conference. San Diego, CA. October 2002.
54. Apoptosis signaling by Apo2L/TRAIL. Swiss Institute for Cancer Research (ISREC). Lausanne, Swizerland. Jan 2003.
55. Apoptosis induction with Apo2L/TRAIL. Conference on New Targets and Innovative Strategies in Cancer Treatment. Monte Carlo. February 2003.
56. Apoptosis signaling by Apo2L/TRAIL. Hermelin Brain Tumor Center Symposium on Apoptosis. Detroit, MI. April 2003.
57. Targeting apoptosis through death receptors. Sixth Annual Conference on Targeted Therapies in the Treatment of Breast Cancer. Kona, Hawaii. July 2003.
58. Targeting apoptosis through death receptors. Second International Conference on Targeted Cancer Therapy. Washington, DC. Aug 2003.

Issued Patents:

1. Ashkenazi, A., Chamow, S. and Kogan, T. Carbohydrate-directed crosslinking reagents. US patent 5,329,028 (Jul 12, 1994).
2. Ashkenazi, A., Chamow, S. and Kogan, T. Carbohydrate-directed crosslinking reagents. US patent 5,605,791 (Feb 25, 1997).
3. Ashkenazi, A., Chamow, S. and Kogan, T. Carbohydrate-directed crosslinking reagents. US patent 5,889,155 (Jul 27, 1999).
4. Ashkenazi, A., APO-2 Ligand. US patent 6,030,945 (Feb 29, 2000).
5. Ashkenazi, A., Chuntharapai, A., Kim, J., APO-2 ligand antibodies. US patent 6,046,048 (Apr 4, 2000).
6. Ashkenazi, A., Chamow, S. and Kogan, T. Carbohydrate-directed crosslinking reagents. US patent 6,124,435 (Sep 26, 2000).
7. Ashkenazi, A., Chuntharapai, A., Kim, J., Method for making monoclonal and cross-reactive antibodies. US patent 6,252,050 (Jun 26, 2001).
8. Ashkenazi, A. APO-2 Receptor. US patent 6,342,369 (Jan 29, 2002).
9. Ashkenazi, A. Fong, S., Goddard, A., Gurney, A., Napier, M., Tumas, D., Wood, W. A-33 polypeptides. US patent 6,410,708 (Jun 25, 2002).
10. Ashkenazi, A. APO-3 Receptor. US patent 6,462,176 B1 (Oct 8, 2002).
11. Ashkenazi, A. APO-2LI and APO-3 polypeptide antibodies. US patent 6,469,144 B1 (Oct 22, 2002).
12. Ashkenazi, A., Chamow, S. and Kogan, T. Carbohydrate-directed crosslinking reagents. US patent 6,582,928B1 (Jun 24, 2003).



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ashkenazi et al.

Serial No.: 09/903,925

Filed: July 11, 2001

For: SECRETED AND
TRANSMEMBRANE
POLYPEPTIDES AND NUCLEIC
ACIDS

Group Art Unit: 1647

Examiner: Fozia Hamid

CERTIFICATE OF MAILING
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on

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DECLARATION OF AUDREY D. GODDARD, Ph.D UNDER 37 C.F.R. § 1.132

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

I, Audrey D. Goddard, Ph.D. do hereby declare and say as follows:

1. I am a Senior Clinical Scientist at the Experimental Medicine/BioOncology, Medical Affairs Department of Genentech, Inc., South San Francisco, California 94080.
2. Between 1993 and 2001, I headed the DNA Sequencing Laboratory at the Molecular Biology Department of Genentech, Inc. During this time, my responsibilities included the identification and characterization of genes contributing to the oncogenic process, and determination of the chromosomal localization of novel genes.
3. My scientific Curriculum Vitae, including my list of publications, is attached to and forms part of this Declaration (Exhibit A).

Serial No.: *

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4. I am familiar with a variety of techniques known in the art for detecting and quantifying the amplification of oncogenes in cancer, including the quantitative TaqMan PCR (i.e., "gene amplification") assay described in the above captioned patent application.

5. The TaqMan PCR assay is described, for example, in the following scientific publications: Higuchi *et al.*, Biotechnology 10:413-417 (1992) (Exhibit B); Livak *et al.*, PCR Methods Appl., 4:357-362 (1995) (Exhibit C) and Heid *et al.*, Genome Res. 6:986-994 (1996) (Exhibit D). Briefly, the assay is based on the principle that successful PCR yields a fluorescent signal due to Taq DNA polymerase-mediated exonuclease digestion of a fluorescently labeled oligonucleotide that is homologous to a sequence between two PCR primers. The extent of digestion depends directly on the amount of PCR, and can be quantified accurately by measuring the increment in fluorescence that results from decreased energy transfer. This is an extremely sensitive technique, which allows detection in the exponential phase of the PCR reaction and, as a result, leads to accurate determination of gene copy number.

6. The quantitative fluorescent TaqMan PCR assay has been extensively and successfully used to characterize genes involved in cancer development and progression. Amplification of protooncogenes has been studied in a variety of human tumors, and is widely considered as having etiological, diagnostic and prognostic significance. This use of the quantitative TaqMan PCR assay is exemplified by the following scientific publications: Pennica *et al.*, Proc. Natl. Acad. Sci. USA 95(25):14717-14722 (1998) (Exhibit E); Pitti *et al.*, Nature 396(6712):699-703 (1998) (Exhibit F) and Bieche *et al.*, Int. J. Cancer 78:661-666 (1998) (Exhibit G), the first two of which I am co-author. In particular, Pennica *et al.* have used the quantitative TaqMan PCR assay to study relative gene amplification of WISP and c-myc in various cell lines, colorectal tumors and normal mucosa. Pitti *et al.* studied the genomic amplification of a decoy receptor for Fas ligand in lung and colon cancer, using the quantitative TaqMan PCR assay. Bieche *et al.* used the assay to study gene amplification in breast cancer.

Serial No.: *

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7. It is my personal experience that the quantitative TaqMan PCR technique is technically sensitive enough to detect at least a 2-fold increase in gene copy number relative to control. It is further my considered scientific opinion that an at least 2-fold increase in gene copy number in a tumor tissue sample relative to a normal (i.e., non-tumor) sample is significant and useful in that the detected increase in gene copy number in the tumor sample relative to the normal sample serves as a basis for using relative gene copy number as quantitated by the TaqMan PCR technique as a diagnostic marker for the presence or absence of tumor in a tissue sample of unknown pathology. Accordingly, a gene identified as being amplified at least 2-fold by the quantitative TaqMan PCR assay in a tumor sample relative to a normal sample is useful as a marker for the diagnosis of cancer, for monitoring cancer development and/or for measuring the efficacy of cancer therapy.

8. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Jan. 16, 2003

Date

Audrey D. Goddard

Audrey D. Goddard, Ph.D.